



DEMURRERS OVERRULED

Standard Oil Must Face Charge Against It.

TWO INDICTMENTS VOID

All Others are Upheld by Judge Landis of the Chicago District Court.

TRUST LOSES FIRST BATTLE

Out of Ten Indictments Eight are Upheld, the Other Two Being Nul- lified by Technical Defects in Their Construction.

CHICAGO, Jan. 3.—Judge Landis in the United States District Court, today overruled the demurrer of the Standard Oil Company to eight indictments pending against that corporation, but sustained the demurrer as to two other indictments because of technical errors.

"These productions," said the court, "are for alleged violations of section one of the act approved February 19, 1903, known as the Elkins law. The charge is that the defendant obtained the transportation of its property by various railway companies at rates less than those named in the carriers' published schedules." The court then ruled against the defendant's contention that the Elkins law was enacted really to prohibit the employment of indirect methods to obtain preferential rates, it being the defendant's contention that it was not a violation of the law if a railway company, dealing directly with a shipper, gave that shipper a cut rate.

The court also ruled against the defendant's claim that the provision of the Elkins law requiring shippers to adhere to a published rate was void, as being against that provision of the interstate commerce law which required carriers to transport property for a reasonable rate. The court held that carriers and shippers were both required to adhere to the published rate until such rate was publicly changed in the manner provided by law.

The court further ruled against the defendant's contention that the indictments were bad because the interstate commerce law did not require rail way companies to publish rates between points beyond the carriers' own line of road, holding that if a carrier, having made an arrangement with connecting lines for the transportation of property beyond its own line, should thereupon publish rates for the transportation of property between such points, the carrier must therefore be held as to the shipping public to have facilities for the transportation of property to such points beyond its own line, and that the requirement of the law applied to such a case with the same force that it applied to a point on a carrier's own line.

The court ruled against the defendant's contention that the provision of the interstate commerce law requiring carriers to publish terminal charges was not operative upon consignees, holding that in respect to such terminal charges, inasmuch as the consignee would have but little if any interest in the question, the law plainly was intended to be binding on consignees.

Terminal charges in question consisted of large amounts of storage charges that had accrued on petroleum consigned to the Standard Oil Com-

pany at Chicago, and the indictment charges that the Lake Shore & Michigan Southern Railway Company released to the Standard Oil Company, thus giving the Standard Oil Company a rebate in respect to the transportation of the petroleum.

MAKES BIG FILL.

Southern Pacific to Fill Twenty-seven Acres of Tide Lands.

SAN FRANCISCO, Jan. 3.—The Southern Pacific Company is planning, provided it obtains the permission of the War Department, to widen its Oakland Mole by filling in something like 27 acres of tide lands immediately adjoining the south side of the long fill. The company has filed its application with the War Department authorities and the Board of Engineers in charge of the local river and harbor works, consisting of Colonel Heuer, Major McKinstry and Major Harts, will have a public hearing on Tuesday next, when all persons interested in the proposed Southern Pacific Company project will be given an opportunity to be heard.

HORSES WIN THOUSANDS.

NEW YORK, Jan. 3.—W. K. Vanderbilt eclipsed all owners of race horses in the matter of money won during the season of 1906. His horses in France won \$225,000, which was \$39,000 in excess of his nearest competitor, Herr Weinberg, whose horses in Germany won \$186,875. Lord Derby was third with \$164,720 and James R. Keene fourth with \$164,918.

TRAIN RAMS TRAIN

In a Blinding Snow Storm Engine Crashes Into Rear Cars.

ACTOR IS INSTANTLY KILLED

Ernest Hastings, Who Had Been With the Baker Stock Company of Portland, Four Weeks, Meets Untimely End.

OMAHA, Jan. 3.—The Union Pacific Overland Limited and the Los Angeles Limited trains No. 2 and No. 8, both bound for this city, collided last night at Brule Station, 70 miles west of North Platte, in a blinding snow storm. The Los Angeles train crashed into the observation car from the rear of the Overland Limited. There were 36 passengers in the observation car, and one, E. W. Hastings, an actor, of New York, was instantly killed. Mail Clerk Worley of this city, sustained a fractured skull, and a passenger named Jennings was scalded.

Ernest Hastings left the Baker Stock company at Portland, Ore., last Saturday. Mrs. Hastings, who was accompanying her husband, escaped uninjured.

PORTLAND, Jan. 3.—E. W. Hastings left the Baker Stock Company here, as its leading man, with the last performance of "Tribby" Saturday evening. He departed for New York Sunday. The actor had been with the Baker company four weeks, appearing in "The Social Highwayman," "The Merchant of Venice," "A Bachelor's Romance," and "Tribby."

INQUEST POSTPONED.

TOPEKA, Kan., Jan. 3.—The inquest to be held over the bodies of the men killed in the Rock Island wreck at Volland was postponed today until Monday. Operator Lynes is to be the principal witness. Officials of the company state the number of dead does not exceed 32.

BRITISH COMPANIES REPUDIATE.

LONDON, Jan. 3.—All British insurance companies have repudiated liabilities arising from the earthquake at Valparaiso last year.

FOLK IS FOR REFORMING

Would Change Few Things In Mississippi.

INCLUDING INSURANCE

Favors Two Cent Fare on All the Railroad Lines in the State.

ALSO NEW STATE PRIMARY LAW

Would Make It Felony to Bet on Horse Races or Violate Anti-Trust Laws—Would Suppress Buck- et Shops.

JEFFERSON CITY, Mo., Jan. 3.—The forty-fourth biennial session of the legislature was organized by a Democratic majority today. J. M. Ripley of Atkinson county was elected Speaker of the House, and Senator F. M. McDavid of Green county was elected President pro tem of the Senate. The message of Governor Folk was read. It was in part as follows:

Governor Folk in his message to the legislature recommended a number of changes relating to the life insurance companies, among others a standard policy for all life insurance companies, prohibiting discrimination and rebating, regulating the election of directors and requiring non-resident companies to keep at least 70 per cent of the premiums received from Missouri policyholders invested within the state. He also recommended the enactment of a law making it a crime for anyone for compensation to lobby with the members of the legislature.

The railroads, he said, should be required to carry passengers within the state for two cents a mile. There should be a state primary law for the nomination of all elective offices, including United States senators. The election of senators by the people, he said, has long been demanded, but it cannot be obtained until the federal constitution is amended. Public opinion will ultimately force this reform, but in the meantime the next best thing can be secured by having senatorial candidates voted for at a state primary.

He recommended a law making it a felony to register a bet upon a horse race, either on a blackboard or any other substance, or to telephone a bet on a horse race to any other state or to telegraph or to use any device to accomplish the registration of bets.

He also recommended legislation to suppress "bucket shops," rigid child labor laws, prohibiting a concern or corporation from selling higher in one part of the state than in another, adding a prison punishment for violation of the anti-trust laws, and making the penalty for the violation of the maximum freight law apply to persons, corporations and partnerships also a statute providing proper penalties for railroad corporations or the directors, employes or agents of any railroad giving rebates on shipments within the state.

Every corporation, he said, should be required to furnish each stockholder with a balance sheet of its business once a year. There should be an annual tax in the nature of a privilege tax of 1.15 of one per cent on the capital stock of all corporations, both domestic and foreign, doing business in the state. The state should regulate the charges of public service corporations both domestic and foreign, doing business in the state.

To determine the unreasonableness of rates there should be a power to

inquire into and determine the actual amount invested in such corporations and to fix rates on a reasonable basis. The result of this should be to eliminate fictitious values.

It was the province of the general assembly, he said, to prevent one corporation from owning stock in another and authorizing quo warranto proceedings to be filed to dissolve any corporation, a majority of the stock in which is acquired by a holding company. This was necessary, he urged, to prevent the creation of monopolies in trade and business in the state.

He recommended the amendment of the anti-bribery law so that witnesses could be forced to testify, but relieving them from prosecution by reason of their testimony.

The governor invited consideration of the propriety and advisability of the adoption of a resolution making application to Congress to call a convention for proposing amendments to the federal constitution, particularly with reference to election of United States senators by the direct vote of the people, the establishment of the principles of the initiative and referendum and for a just income tax.

TESTIMONY TAKEN.

SAN ANTONIO, Texas, Jan. 3.—Taking of testimony in the Mexican revolutionary extradition case was concluded yesterday and the arguments will begin today. Testimony of Assistant United States Attorney Cresson, Sheriff Cresson of Valverde and the deputy collector of customs of Del Rio was excluded by Commissioner Neill.

WRECK NEAR EUGENE

Engines Plunge Hundred Feet Down Canyon Side.

ONE KILLED AND ONE MISSING

Rains Undermine Fill of Trestle Which Gives Way Under Engines—Pas- sengers Are Uninjured—Only Train Men Suffer Injury.

PORTLAND, Jan. 3.—A special to the Oregonian from Comstock, Ore., says the northbound Portland Express, a fast passenger train on the Southern Pacific railroad between San Francisco and Portland, was wrecked about 7 o'clock tonight, two miles north of that place. Engineer Wechland was killed and Fireman Long is missing. The passengers were uninjured. The accident occurred on a recently filled trestle, which had been undermined by the torrential rains of the last few days. The train was drawn by two engines, the combined weight of which crushed the fill and threw them over the embankment, down which they plunged to the bottom of the canyon 100 feet below. The mail car was dragged around at right angles and turned over, but did not follow the engines. The smoker was derailed, but the rest of the train did not leave the track. The track has sunk behind the train, so it cannot be moved in either direction and is now perched on a shelf on the steep grade of the canyon.

ROAD BUYS CONTROL.

OAKLAND, Jan. 3.—The sale of the controlling interest in the Union National Bank of this city to the Western Pacific System is announced and the 1,500 shares of the bank's capital stock 751 shares were purchased by the Western Pacific. The actual value of the stock was \$2,200 per share.

MODIFY JAPANESE TREATY.

WASHINGTON, Jan. 3.—Senator Gearin today gave notice that on Monday he would call up his resolution that negotiations be entered into with Japan for the modification of the existing treaty with that country.

SLAUGHTERS IN CHURCH

Terrorist Shoots Perfect at Dedication.

STRIKES FEAR IN CROWD

Fires Last Shot in His Own Body and Falls Dying to the Floor.

OFFICERS HACK AT DEAD BODY

Young Working Man in Garb of Bet- ter Class Walks up Behind Pre- fect and Blows Out Official's Brains.

ST. PETERSBURG, Jan. 3.—The police have not succeeded in identifying the Terrorist who killed Major General Von Der Launitz, prefect of police of St. Petersburg, this afternoon at the Institute of Experimental Medicine and who coolly turned the revolver upon himself while he was falling under the sabres of the prefect's escort. The authorship of this crime, however, like the assassination of Count Ignatieff and the unsuccessful attempt to blow up Premier Stolypin, has been traced to the fighting organization of the Social Revolutionists who recently resolved to resume full terroristic activities. The organization tonight issued its customary pamphlet, avowing and justifying the killing of Von Der Launitz, which was accomplished with an ease and simplicity that has struck terror into the hearts of all other officials on the revolutionary death list. The man who committed the crime belonged to the working class. The police affirm he was a Jew. He was provided with a card of admission to the dedication of the church, but this card bore no name. The authorities have not been able to learn how he obtained the invitation to the ceremonies, which were extremely select, only 150 cards having been issued. The fact that Von Der Launitz was to attend the consecration of the church was not generally known, and the Terrorists must have learned of the fact from police sources. The prefect was accompanied by his usual bodyguard of secret service men, but not one of these had the slightest suspicion of the murderer, although his toiled-stained hands were completely out of harmony with his faultless evening clothes. The fall of Von Der Launitz was followed by indescribable hysteria and confusion. The Duke of Oldenburg, who was one of the few men who retained composure, seized the assassin's hand after he had fired twice and several succeeding shots were discharged into the ceiling. Before the duke could disarm him, one of the officers who accompanied the prefect, drew his sabre and struck the assassin a powerful blow which completely cut out a portion of his skull. As the man was falling he shot himself in the stomach with the last bullet in his revolver. His death was instantaneous, but several officers continued to hack his prostrate body until the Duke of Oldenburg struck up their swords and forced them to desist. Von Der Launitz was governor of Tambov during the terrible repressions of the Agrarian disorders in Tambov province in retribution for which Mlle. Spiridonova shot Chief of Police Luzhenoffski.

PREMIUM ON FRACTIONS.

NEW YORK, Jan. 3.—The securities commission of the stock exchange has

been informed by the Chicago, Milwaukee & St. Paul Railroad Company that it will pay each stockholder on record December 19, who was entitled to a subscription for a fractional share of the new stock, a premium over par of such fractional shares. The committee unanimously approved the action of the company.

EDUCATE ENGINEER CREWS.

By Series of Surprise Tests Crews Are Kept Alert.

CHICAGO, Jan. 3.—The management of the Chicago & Northwestern Railway has just completed a remarkable demonstration, showing what can be accomplished in the way of education of engineers to obey block signals. During the year 1906 the company made a series of "surprise tests" numbering 1,625 and the record shows that not a single failure to obey the signals and to observe the rules governing block signaling.

"Surprise tests" were made without previous knowledge of the engine crews and consist of every conceivable question which may arise in connection with block signals and their observance.

AGED NEGRO SLAIN.

SAN FRANCISCO, Jan. 3.—Frank Smith, an aged negro cement worker, was found dead on the floor of his cabin in Loeb's Square last night with a deep wound over his right eye. Harry Jones, another negro of the same camp, is held at the police station on suspicion.

HEARST WILL REFORM

Never Again Will He Be Candi- date for any Public Office.

TAKES DEFEAT RESIGNEDLY

Declares That Patriotic Citizens Should Rather Be Glad That Work is Done, Than Critical as to the Doer.

NEW YORK, Jan. 3.—William R. Hearst reiterated yesterday at a meeting of the City Committee of the Independence League, that he never will be again a candidate for office. Mr. Hearst said:

"I myself am not and will not be again a candidate for any office, but I am as much interested as ever—and even more interested than ever—in the promotion of the principles of the Independence League. It seems to me that we can all feel satisfaction upon which has been and is being accomplished. And it seems to me as patriotic citizens, we need not care particularly what individual puts the principle and reform into effect, as long as they are actually accomplished for the benefit of our fellow citizens.

"I believe that the league will go forward to further and greater achievements, and I heartily offer you, my friends, my best services as a fellow worker to those ends."

ENTRIES ARE CLOSED.

NEW YORK, Jan. 3.—Entry for the Suburban Handicap and other important stakes for 1907, to be run at the Coney Island Jockey Club, Sheepshead Bay, next summer, closed at midnight last night. While no official list will be for several days available, the indications are for a big entry list, and it will occasion no surprise if the record for the big event is reached or broken. The Suburban Handicap will be a guaranteed affair of \$20,000, and the weights will be announced on January 31.

FAMOUS ACTRESS ILL.

GENOA, Jan. 3.—Eleanor Duse, the well known actress, is seriously ill with pneumonia here.